

Natalie M. Cox

Honorable Natalie M. Cox
United States Bankruptcy Judge



Entered on Docket
September 11, 2023

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UNITED STATES DEPARTMENT OF JUSTICE
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TRACY HOPE DAVIS

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

GRAND CANYON DESTINATIONS, LLC,

Debtor.

Case No: BK-S-23-10399-NMC
Chapter 11
(Jointly Administered)

In re:

ATHENS INC.,

Debtor.

Case No: BK-S-23-11659-NMC
Chapter 11

Date: August 29, 2023
Time: 9:30 a.m.
Location: Foley Courtroom 3-Telephonic

**ORDER REMOVING SUBCHAPTER V DEBTOR AS DEBTOR IN POSSESSION
PURSUANT TO 11 U.S.C. § 1185(a) AND GRANTING SUBCHAPTER V TRUSTEE
DUTIES UNDER 11 U.S.C. §1183(b)(2)**

Based on the amended *Motion of the U.S. Trustee to Remove Subchapter V Debtor in Possession*
Pursuant to 11 U.S.C. § 1185(a), Grant Relief under 11 U.S.C. § 1183(b)(2), and Reservation of Rights

[ECF No. 118] (“Motion”), the Cordero declaration [ECF No. 119] and Semana declaration [ECF No. 120] filed in support of the Motion, the Joinder to the Motion filed by the U.S. Small Business Administration [ECF No. 153], the Opposition to the Motion filed by Grand Canyon Destinations, LLC and Athen’s Inc. [ECF No. 165] (“Opposition”), the Dobbs declaration [ECF No. 166] and Janssen declaration [ECF No. 167] filed in support of the Opposition, the hearing held on July 11, 2023 (appearances noted on the record), the oral ruling by the Court on August 29, 2023, the Court having stated on the record its findings of fact and conclusions of law, which are incorporated herein pursuant to Federal Rules of Bankruptcy Procedure 9014(c) and 7052, and Federal Rule of Civil Procedure 52, with good cause having been shown,

IT IS HEREBY ORDERED that the Motion is **GRANTED**; and,

IT IS FURTHER ORDERED that Grand Canyon Destinations, LLC (“Debtor”) is **REMOVED AS DEBTOR IN POSSESSION pursuant and subject to 11 U.S.C. §1185;**

IT IS FURTHER ORDERED that Subchapter V trustee Nathan F. Smith (the “Subchapter V Trustee”) is authorized to take possession of the estate, and perform the duties set forth in Bankruptcy Code § 1183(b)(5), including operating the business of the debtor; and,

IT IS FURTHER ORDERED that the Subchapter V Trustee’s duties shall be expanded to include those set forth in 11 U.S.C. §1183(b)(2).

IT IS SO ORDERED.

Submitted by:

TRACY HOPE DAVIS
UNITED STATES TRUSTEE

By: /s/ Edward M. McDonald Jr.
Edward M. McDonald Jr., Esq.
United States Department of Justice
Attorney for the United States Trustee

RULE 9021 DECLARATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the Court's ruling and that:

☐ The court has waived the requirement of approval under LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

<p>APPROVE/DISAPPROVE</p> <p><i>/s/ Candace C. Carlyon</i></p> <hr/> <p>CANDACE C. CARLYON, ESQ. CARLYON CICA CHTD. 265 E. WARM SPRINGS RD, STE 107 LAS VEGAS, NV 89119</p> <p><i>Counsel for jointly administered debtors Athen's Inc. and Grand Canyon Destinations LLC</i></p>	<p>APPROVE/DISAPPROVE</p> <p><i>/s/ Edward M. Burr</i></p> <hr/> <p>EDWARD M. BURR 10191 E SHANGRI LA RD SCOTTSDALE, AZ 85260</p> <p><i>Subchapter V Trustee for Athen's Inc.</i></p>
<p>APPROVE/DISAPPROVE</p> <p><i>/s/ Skyler Pearson</i></p> <hr/> <p>SKYLER PEARSON, ESQ. ASSISTANT UNITED STATES ATTORNEY 501 LAS VEGAS BLVD. SO., SUITE 1100 LAS VEGAS, NEVADA 89101</p> <p><i>Counsel for the United States</i></p>	<p>APPROVE/DISAPPROVE</p> <p><i>/s/ Nathan F. Smith</i></p> <hr/> <p>NATHAN F. SMITH 2112 BUSINESS CENTER DRIVE IRVINE, CA 92612</p> <p><i>Subchapter V Trustee for Grand Canyon Destinations LLC</i></p>
<p>APPROVE/DISAPPROVE</p> <p><i>/s/ Kayla D. Dorame</i></p> <hr/> <p>KAYLA D. DORAME, ESQ. NEVADA ATTORNEY GENERAL'S OFFICE 100 N. CARSON ST. CARSON CITY, NV 89701</p> <p><i>Counsel for the State of Nevada, ex rel. its Department of Taxation</i></p>	

1 ☐ I certify that this is a case under Chapter 7 or 13, that I served a copy of this order with
2 the motion pursuant to LR 9014(g), and that no party has objected to the form or content of
3 the order.

4 I declare under penalty of perjury that the foregoing is true and correct.

5 By: /s/ Edward M. McDonald Jr.
6 Edward M. McDonald Jr., Esq.
7 United States Department of Justice
8 Attorney for the United States Trustee
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